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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/806,031 | 03/26/2001 | Rabah Arhab | 1200.465 | 3435 |

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/806,031

Applicant(s)

ARHAB ET AL.

Examiner

Melody M. Burch

Art Unit

3683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 22 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 22 April 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see number 5.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-44

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s): the replacement of the phrase "an element" with "radial plate (15) of the hub (14)" and the elimination of the phrase "may be" in claim 26 would overcome the rejections of claims 1 and 26, respectively.

Continuation of 5. does NOT place the application in condition for allowance because: changing the broad recitation of "an element" to the specific recitation of "a radial plate (15) of the hub (14)" and deleting the phrase "of divided form" raises a new issues in claim 1 and claims 17 and 26, respectively, that require further consideration and search.

With regard to the remarks, Applicant argues that the friction means of Friedmann is not disposed between the face of the piston opposite the second surface. Examiner disagrees and directs Applicants attention to the labeled copy of figure 8 included in the Office Action of paper no. 8 in which the friction means 449 is clearly shown disposed and acting between the face of the piston as labeled which is opposite (on the opposite side of piston 435) the second surface as labeled and an element (or inner surface as labeled).

Applicant argues that the friction means does not act between the face of the piston and the radial plate of the hub, however, Examiner notes that the argument is more specific than the current claim language.


Applicant further argues that the transverse wall of Friedmann does not form part of the casing. Examiner notes that the labeled transverse wall of figure 8 is a central lock-up clutch structure similar to that of element 532 in figure 9 and that it is stated in col. 16 lines 66-68 that the transverse wall "532 is rigidly affixed to the shell 507 of the casing".

Applicant also argues that element 449 of Friedmann is not a friction means. Examiner notes that since there is relative movement between elements 435 and the recess 455 of element 450 by way of element 449 as disclosed in col. 16 lines 46-48, element 449 can broadly be considered a friction means to the same extent as the friction means of the instant application wherein there is relative movement of two elements by way of Applicant's friction means 60.

Applicant argues that Friedmann does not show the strcuture wherein the friction means is carried by the at least one rivet wherein the turbine wheel includes an annular ring which is fixed to the hub by means of the at least one rivet. Examiner disagrees. As noted in the Office Action of paper no. 8 the turbine wheel 12 includes an annular ring 413a which is fixed to the hub, particularly portion 450 of the hub by means of at least one rivet 436A. Examiner notes that the friction means 449 is carried by the at least one rivet 436A indirectly via intervening elements such as such as element 450. The claim language does not preclude such indirect support.

Finally, in response to Applicant's arguments regarding the Ross reference, Examiner notes that it is improper to argue references in a 103 rejection individually. Examiner reiterates that it is the combination of Friedmann in view of Ross that teaches the claimed invention and that Ross was used solely for the teaching of a blind hole as an efficient connection means that is old and well-known in the art.

mmb 5/19/03


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